REMARKS

OVERVIEW

The Action of December 12, 2008 appears to have considered Applicant's November 20, 2008 response but indicates it does not place the application in form for allowance. Applicant respectfully submits the claims are allowable over the cited rejections. Therefore, in an effort to advance prosecution, this response is filed with an RCE to request additional consideration of the application.

NOVEMBER 20, 2008 RESPONSE

The Action of December 12, 2008 appears to indicate the November 20, 2008 response was entered and considered. If this is incorrect, Applicant respectfully requests entry and full consideration of the November 20, 2008 response with this RCE. That November 20, 2008 response is incorporated by reference herein.

ADVISORY ACTION POINTS

The December 12, 2008 Action maintains the rejections to claims 1-41. It provides comment regarding the Examiner's position regarding the grounds of rejection. Each will be addressed in the order presented in the Advisory Action.

STATUTORY SUBJECT MATTER

It appears the § 101 rejection has been maintained regarding claims 16-20 and 35-41. Applicant respectfully submits its position is that the claims specifically call out an information processing device. The preamble recites the claim is a "system".

Therefore, the claim is not merely a collection of data. The claim squarely fits within the statutory class of machines.

To clarify the same, independent claim 16 has been amended to put in its specific initial limitation of "an information processing device". It is respectfully submitted that claim 16, and its dependent claims, squarely fit within statutory subject matter.

REJECTIONS BASED ON CITED REFERENCES

The remaining comments in the Advisory Action relate to the Massaro reference. Claims apparently remain rejected based on either Massaro alone or Massaro in combination with Cook (also previously of record).

Applicant respectfully submits its claims are patentable over the cited references because Applicant's claims define inventions that are novel and nonobvious over the same.

Furthermore, Applicant respectfully submits the content of the cited references Massaro and Cook support rather than defeat patentability of Applicant's claims. Applicant has pointed out how Massaro and Cook relate to different functionalities and purposes than Applicant's claims.

Applicant's claims speak to an instructional program. For example, Applicant's claim 1 specifically provides limitations related to that instructional program. Importantly, Applicant's claim 1 defines a new paradigm for teaching informational content to a student. In other words, the claim defines a methodology of teaching "instructional information related to a subject" (Applicant's claim 1) to a student or user of an information processing device.

What is this new paradigm? Claim 1 specifically spells it out. It presents informational content to be learned on the information processing device. It does not stop there. It makes available "additional instructional options related to the instructional information". Those additional instructional options are "at least first and second levels of sophistication" instructional information. Finally, any of those levels is "user-selectable via the information processing device, at any time and in any order". (claim 1).

Applicant's specification gives several examples of this new information teaching paradigm. See for example Figure 3. Instructional information is presented on the left side of

the display. The additional instructional options are on the right side. As the user tries to learn the informational content on the left side, the user always has optionally available the "additional instructional options" on the right side. For a given section of instructional material, if the user chooses, any of the additional instructional options of first and second levels of sophistication can be user-selected and would then appear or be presented to the user. As described in Applicant's specification, this new teaching paradigm for machine displayed information is designed to improve learning efficiency. Different learners learn by different techniques. Some learners may adequately comprehend and learn the instructional information just by reading it on the left side of the screen. Others may learn such information quicker by reading the left side of the screen and, at user-selected times, concurrently display additional instructional assistance at one of at least two levels of sophistication.

Applicant's specification gives as an example of two levels of sophistication of "additional instructional options". They are essentially two virtual tutors of different sophistication and characteristics, available to the learner when the learner chooses. The learner can ignore the tutors. The learner can choose one of the tutors. The learner can choose the other of the tutors. The learner can choose both of the tutors.

The point Applicant wants to emphasize is that for purposes of patentability of Applicant's claims, it is essential that Applicant's claims as a whole be the starting point. In the context of Applicant's claims, an instructional program is different than selection of different user interfaces (cf. Massaro). The ability of the student to choose or ignore two virtual tutors during the learning task is different than selection of a single user interface (cf. Massuro).

Massaro is not an instructional program. Massaro explicitly and repeatedly discloses it is a "variable complexity user interface in a data processing system" (see title of Massaro, as well as column 1, line 12, column 1, line 66, etc.).

When comparing Massaro to Applicant's claims, Massaro must also be considered as a whole. Its system tries to automatically display a single user interface for each function of a data processing system based on a predefined user profile. In other words, it tries to

automatically select a user interface that matches the predefined user profile. The user interface, of course, provides a mechanism, so to speak, for a user to operate the data processing program. This is not learning content. It is providing a way for the user to operate the functions of the application program.

Consider the two examples given in Massaro. One is a game or entertainment application (column 1, lines 25-39). The other is a word processing application (column 1, lines 40-51). In both examples, Massaro talks about different users may be at different skill levels for different functions within the application. A gamer may be at "beginning", "intermediate", or "expert" skill level. Likewise, a worker that has used a word processing application for a long time may develop a much higher skill level with it than someone just becoming familiar with it. Massaro seeks to make the functionalities of the software application more efficient or enjoyable for the user by automatic presentation of a user interface at a commensurate predefined skill level for that user.

Note Massaro column 1, lines 65-67, (also cited in the Examiner's Advisory Action):

> "It is yet another object of the present invention to provide an enhanced user interface which permits the automatic selection of variable complexity user interfaces for selected functions within a multiple function application."

Note the subtle feature of Massaro. It teaches that many software applications have different functionalities within the application. Massaro describes as a claimed benefit the ability to automatically change the complexity of the user interface for <u>each</u> functionality of the application. An example might be a more complex user interface for spelling and grammar checking in a word processing application, but a less complex user interface for using revision mark editing for word processing.

Consider then, again, the differences between Applicant's claims and Massaro. Massaro does <u>not</u> disclose or teach display of content to be learned and simultaneous display of at least two levels of sophistication additional educational learning options (e.g. two different virtual

tutors). Massaro does not teach or disclose allowing the user to select in real time which, if any, virtual tutor, e.g., to call upon for a given displayed content to be learned.

Instead, Massaro is focused upon automation of what single user interface should be displayed at any given time during running of an application program. Massaro does describes different complexity user interfaces. But its main teaching is that an initial user profile be put together that would automatically instruct which user interface is displayed during any specific time. It does not want two different user interfaces for the same user. Massaro does allow a user to override the automated interface selection process. However, it requires the user to go into the user profile and adjust the same.

In short, Massaro teaches setting up a user profile for a user and letting that determine automatic selection of a single user interface displayed at any time on the computer during the application program. In contrast, Applicant's claims speak to displaying information to be learned and concurrently making available on that same screen either or both virtual tutors for immediate enhancement of the learning task. This is based on user selection, not some automatic selection by the computer.

The Advisory Action also cites to Massaro column 3, line 63 through column 4, line 7. However, this disclosure corroborates that Massaro provides a user profile that is set up for each user. An area of that profile is called the "assistance level window 26" (see Massaro Figure 3). That window 26:

> "[i]s utilized, in accordance with the method and apparatus of the present invention, to permit a user to identify the current level of assistance, or complexity specified for the function identified within function identifier 24. As illustrated within current level identifier 28, the "basic" level interface has been selected for the function identified by function identifier 24. Also depicted within assistance level window 26 is selected level identifier 30, which permits a user to type in, via keyboard 12 (see FIG. 1), a desired level of complexity or the function identified within function identifier 24."

Massaro further describes how Figure 3 relates to its overall process:

> "After selecting a user profile for the user in question and identifying the selected function from those functions contained within the multiple function application, block 46 next illustrates the creation/modification of the user profile. As

> illustrated in FIG. 3, this step permits the user to specify or modify the level of assistance requested for a particular function. That is, the level of complexity to be utilized in the interface between the user and the selected function. Next, the process passes to block 48 which illustrates the storing of the user profile within the data processing system 10 (see FIG. 1) and the process thereafter terminates, as illustrated in block 50.

Massaro column 4, lines 30-42.

Importantly, Massaro is describing the ability of a user profile to be set up and stored for each user. Applicant's claims define the same presentation paradigm for each user. The at least two levels of sophistication options are available the same for each user of the system. The user profile is pre-set to automatically call up single specific user interfaces for specific functions in the application's program. This all is related to allowing a single user interface to automatically be presented while the application's program is being operated by the user. That interface may change automatically based on the original user profile stored in the computer. This is not presentation of information to be learned on one part of the screen and user-selectable options on another part of the screen that would allow user selection of at least two levels of sophistication virtual tutoring at any time or in any order.

It is therefore respectfully submitted for the reasons expressed above, as well as the reasons expressed in Applicant's November 20, 2008 response (incorporated by reference herein) that the cited references do not present a *prima facie* case of anticipation or obviousness of Applicant's claims. Applicant's independent claims 1, 11, and 16, all have a similar combination of limitations. Each of those claims is submitted to be patentable over the cited rejections. The remaining claims are dependent from those independent claims and are submitted to be allowable at least for the reasons expressed in support of the independent claims.

CONCLUSION

It is submitted all matters pending in Actions by the USPTO have been addressed and remedied and that the application is in form for allowance. Reconsideration is respectfully requested.

This amendment accompanies the filing of a Request for Continued Examination (RCE). Please charge Deposit Account No. 26-0084 the amount of $405.00 for the RCE per the attached transmittal.

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for two months from December 20, 2008 to January 20, 2009. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of $245.00 to cover the cost of the two-month extension.

No other fees or extensions of time are believed to be due in connection with this response; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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